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Letter dated 25 July 2017 from the Secretary-General addressed to the President of the Security Council

I have the honour to write to you with regard to the financing of the Residual Special Court for Sierra Leone.

According to article 3 of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone, "the expenses of the Residual Special Court shall be borne by voluntary contributions from the international community. The Parties and the Oversight Committee may explore alternative means of financing the Residual Special Court." The Oversight Committee of the Residual Special Court has informed me that the Court will run out of funding at the end of 2017 and that, while fundraising efforts will continue, it is not expected that there will be sufficient voluntary contributions for the operations of the Court beyond 2017.

The Residual Special Court was established pursuant to a mandate from the Security Council and has been carrying out residual functions of the Special Court for Sierra Leone since 1 January 2014, including: supervising the enforcement of sentences of the persons who were convicted by the Special Court; providing for witness and victim protection and support; preserving and managing the archives of the Special Court; responding to requests for access to evidence by national prosecution authorities; responding to requests from national authorities with respect to claims for compensation; reviewing convictions and acquittals; conducting contempt of court proceedings; providing defence counsel and legal aid for the conduct of proceedings before the Residual Special Court; and preventing double jeopardy.

The Residual Special Court is a lean institution with a small number of staff. The Registrar is the only senior full-time official, and the judges, the Prosecutor and the Principal Defender are remunerated on a pro rata basis for work actually performed. In order to minimize costs further, the office of the Residual Special Court in the Hague is co-located with and receives administrative support from the International Tribunal for Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. In this regard, the General Assembly has requested me to ensure that the International Residual Mechanism for Criminal Tribunals will continue to provide logistical and administrative support to the Residual Special Court when the International Tribunal for the Former Yugoslavia completes its work, on a cost-reimbursable basis, as appropriate and without prejudice to the mandate of the respective institutions.

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The annual resource requirements for the Residual Special Court for the coming biennium are approximately $2.97 million. The senior officials of the Court have been fundraising since January 2017. Furthermore, in April 2017, I wrote to all Member States to appeal for voluntary contributions for the Court. To date, two Member States have contributed a total of $150,000, for which I am grateful. No other contributions or pledges have been made.

The Residual Special Court is helping to consolidate the rule of law and the contribution of the Special Court towards achieving peace and security in Sierra Leone and the region. If it does not secure any funding, the Residual Special Court will not be able to fulfil its important mandate. The failure of the Residual Special Court would diminish the legacy of the Special Court for Sierra Leone and severely undermine the achievements made in pursuit of accountability for the serious international crimes committed in Sierra Leone.

In the light of the foregoing, I intend to propose to the General Assembly that the costs of the Residual Special Court for 2018 and 2019 should be provided through a subvention under the assessed programme budget.

A subvention would be a temporary measure to address the current financial situation. The Advisory Committee on Administrative and Budgetary Questions recommended that I further analyse and develop alternative long-term options for financing the Residual Special Court. I will continue to consult with the Government of Sierra Leone, the Oversight Committee of the Residual Special Court and relevant stakeholders on potential alternative financing arrangements and support from the International Residual Mechanism for Criminal Tribunals.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) António **Guterres**